

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RAMONA WHITE,

Plaintiff,

v.

VANCOUVER NEUROLOGISTS AND  
NEUROPHYSIOLOGISTS, P.S. and DOES  
1-10,

Defendants.

Case No. C05-5093RJB

ORDER GRANTING MOTION  
TO ENLARGE TIME FOR  
HEARING AND RESPONSE TO  
MOTION FOR SUMMARY  
JUDGMENT

This matter comes before the court on Plaintiff's Motion To Enlarge Time for Hearing and Response to Motion for Summary Judgment (Dkt. 16). The court has considered the pleadings filed in support of and in opposition to the motion and the file herein.

**I. FACTUAL AND PROCEDURAL BACKGROUND**

On February 3, 2005, Ms. White filed suit against Vancouver Neurologists and Neurophysiologists. Ms. White is of German descent, speaks with an accent, and is in an interracial marriage. She contends that the defendants harassed, discriminated against, and constructively discharged her on the basis of her national origin and her interracial marriage. She further contends that the defendants maintained a hostile work environment and that she was retaliated against for complaining about the environment and about being harassed. Finally, she contends that her pay was not comparable to that of similarly situated employees. Ms. White sues

1 under Title VII of the Civil Rights Act of 1991 and the Civil Rights Act of 1866 and under RCW  
2 49.60.

3 On November 9, 2005, Vancouver Neurologists (“the Clinic”) filed a summary judgment  
4 motion. Dkt. 12. The court informed the parties by conference call that the motion appeared to be  
5 over-length. The Clinic filed an amended motion on November 14. Dkt. 14. This filing altered the  
6 original noting date, so the Clinic amended the original motion for summary judgment on  
7 November 15 in order to preserve the original noting date of December 2, 2005. Dkt. 15.

8 On November 21, 2005, Ms. White moved for an extension of time to respond to the  
9 motion for summary judgment. Dkt. 16. The motion was noted for decision after the noting date  
10 of the motion for summary judgment. By minute order, the court re-noted the motion for  
11 consideration on the same day as the motion for summary judgment in order to afford sufficient  
12 time for the parties to file a response and a reply and to ensure that the motion was not rendered  
13 moot by a decision on the motion for summary judgment. Dkt. 19.

## 14 II. DISCUSSION

15 Ms. White asks the court to delay a decision on the motion for summary judgment until  
16 December 16, 2005, or sometime in January 2006. Dkt. 16-2 at 2. Mary A. Betker, attorney on  
17 behalf of Ms. White, contends that a family obligation and “the holidays” preclude her from being  
18 able to adequately respond to the motion for summary judgment in the time allotted under Local  
19 Rule CR 7(d)(3). She contends that she has an important family reunion scheduled for November  
20 25 through December 2 in Salt Lake City. Dkt. 16-3 at 2.

21 The Clinic contends that the plaintiff should have known about the family reunion earlier  
22 and should have sought relief before the filing deadline for dispositive motions had passed. Dkt.  
23 17 at 4. The Clinic further contends that the plaintiff knew that the deadline for dispositive  
24 motions fell during the holiday season as early as April 29, 2005, and should have sought relief  
25 earlier. *See* Dkt. 11. Finally, the Clinic contends that it would suffer prejudice if the motion were  
26 granted because “the parties would not likely have a decision regarding the motion until well into  
27  
28

1 the pre-trial preparations” and because such a delay “may cause unnecessary and expensive pre-  
2 trial preparations.” Dkt. 17 at 3-4.

3 While the Clinic is correct to note that the justifications the plaintiff offers for delaying a  
4 decision on the motion for summary judgment could have been brought to the court’s attention  
5 earlier, the Clinic does not demonstrate any burden or prejudice other than the inconvenience  
6 inherent to any delay in litigation. The court should grant the plaintiff’s motion and re-note the  
7 Clinic’s motion for summary judgment for December 16, 2005, in order to afford all parties the  
8 opportunity to present their arguments to the court and to ensure that the court is equipped to  
9 render a just decision.

### 10 III. ORDER

11 Therefore, it is hereby

12  
13 **ORDERED** that the Plaintiff’s Motion To Enlarge Time for Hearing and Response to  
14 Motion for Summary Judgment (Dkt. 16) is **GRANTED**. The Defendant’s Motion for Summary  
15 Judgment, as amended (Dkt. 15), is re-noted for consideration on December 16, 2005. The  
16 parties shall file their response and reply, if any they may have, in accordance with the Local  
17 Rules.

18 The Clerk of the Court is directed to send uncertified copies of this Order to all counsel of  
19 record and to any party appearing *pro se* at said party’s last known address. The Clerk is further  
20 directed to send certified copies of this order to the Clerk of the Court for Clark County Superior  
21 Court.

22 DATED this 5<sup>th</sup> day of December, 2005.

23  
24 

25 Robert J. Bryan

26 United States District Judge